

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,**  
Plaintiff,

v.

**2018 BUGATTI CHIRON  
(VIN#VF9SP3V34JM795083),**  
Defendants,

and

**KEVIN THOBAS & GOLDEN EXOTICS LLC,**  
Claimants.

CIVIL No. 23-1392 (MDM)

**MINUTE**

On August 15, 2024, at 9:00AM, the Court held a Scheduling and Settlement Conference in the virtual chambers of U.S. Magistrate Judge Marshal D. Morgan. During the conference, the parties were represented by their respective counsel Myriam Y. Fernández-González for plaintiff and Berwin Cohen, Jonathan Edderai and Natalia Eugenia Del Nido-Rodríguez for defendant and claimants.

The conference began with the Court discussing with the parties claimants pending Motion to Dismiss and whether the unsealing of the unsworn declaration might have mooted any of the arguments raised therein. Counsel Cohen clarified that what was unsealed was only the unsworn declaration and not the affidavit that was submitted in support of the seizure warrant and it is the affidavit that is referred to in the verified complaint. Nevertheless, assuming for the moment that the unsworn declaration is largely the same as the Affidavit, Counsel Berwin said that the unsealing of the unsworn declaration did not moot the arguments raised in the motion to dismiss. Counsel Berwin then proceeded to explain some of the reasons why the unsealing of the unsworn declaration did not moot the Motion to Dismiss. After discussing the issue further AUSA Fernández indicated that the Affidavit is filed on the docket in Crim. No. 23-610 but that it is a sealed matter to which not even the Court had access as of today's conference. At the suggestion of the Court, AUSA Fernández said she would simply file a copy of the affidavit in this case under seal, "Selected Parties Only."

With respect to the Motion to Dismiss, Counsel Berwin requested that the Court deem the motion unopposed in accordance with Local Rule of Procedure 7(b). The Court took the matter under advisement and also mentioned that the Court would be better served if claimants were to state their reasons in writing as to why the Motion to Dismiss was not rendered moot by the unsealing of the unsworn declaration.

The Court then transitioned into discussing a possible settlement of the case. Some suggestions were bantered about and AUSA Fernández requested that Counsel send her any settlement offer in writing so that she could discuss the offer with her two clients Customs and Border Protection and Homeland Security Investigations.

Hoping to give settlement the best chance of success early on in this case, the Court scheduled a **Further Settlement Conference for August 23, 2024 at 9:00AM**. In the meantime, the Court suggested that defendant and claimants submit to the government as soon as possible whatever evidence they have to demonstrate that the Bugatti Chiron vehicle was purchased using the legal proceeds from the sale of a defendant's home so that the government can consider the efficacy of such defense. The Court also ordered the defendant and claimants not to submit any supplemental briefing related to the Motion to Dismiss until the Court has exhausted all opportunities for settlement. If settlement is not possible, or if only a partial settlement is reached, the Court will then set a tight scheduling order for the completion of discovery.

In San Juan, Puerto Rico, this 15th day of August 2024.

s/Marshal D. Morgan  
MARSHAL D. MORGAN  
United States Magistrate Judge

Conference began at 9:02AM  
Conference ended at 10:50AM